

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By the Response, claims 1-4 have been amended to improve the clarity of the features recited in the rejected claims. No new matter has been added. Accordingly, claims 1-4 are respectfully submitted for consideration. Approval and entry of the amendments are respectfully requested.

2. Claim Rejections under 35 U.S.C. §103(a)

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abbondanzio et al. (U.S. Patent No. 6,968,414 – hereinafter Abbondanzio). Applicant respectfully traverses this rejection at least for the reason that Abbondanzio fails to teach, disclose, or suggest each and every limitation recited in the rejected claims.

As amended, claim 1 recites a method of remotely tripping one of a plurality of blade servers in a rack, wherein each of the blade servers is coupled to a network switch connected to a computer system in a console which, when detecting one of the blade servers is to be replaced and as commanded by a management employee. The method includes the steps of reading an instruction inputted by the management employee for tripping a latch fastening each of the blade servers to the rack, sending the instruction to the blade server via the network switch, and causing the blade server to trip the latch from the rack according to the instruction.

Referring to, e.g., Fig. 2 of the specification, the present invention is directed to the method of remotely tripping one of a plurality of blade servers (11) in a rack, wherein each of the blade servers (11) is coupled to a network switch (20) connected to a computer system in a console (30). When one of the blade servers is to be replaced, and as commanded by a management employee, the method performs the steps of reading an instruction inputted by the management employee for tripping a latch (14) fastening each of the blade servers (11) to the rack, sending the instruction to the blade server (11) via the network switch (20), and causing the blade server (11) to trip the latch (14) from the rack according to the instruction.

Abbondanzio generally describes a system for monitoring the insertion and removal of server blades in a data processing system, which includes a cabinet having a plurality of racks configured to receive server blades. Each server blade includes one or more processors, memory, and a service processor, all of which are interconnected via one or more buses. The system of Abbondanzio includes a management blade to monitor local service processors. Upon installation, a new blade identifies itself to the management blade by its physical slot position within the cabinet. In response to a reset, the local blade service processor determines from a tamper latch whether the blade has been removed from the chassis since the last power-on event.

According to Abbondanzio, if the tamper latch is broken, the local service processor informs the management blade and resets the tamper latch. The local service processor of each blade may send a periodic heartbeat to the management blade, which monitors for loss of heartbeat signals to determine when a blade is removed.

Fig. 3 of Abbondanzio shows local blade service processors (116) of server blades (100) used to determine from a tamper latch (135) whether or not any of the server blades (100) has been removed from rack (202). However, Abbondanzio fails to teach, disclose, or suggest each and every claimed steps of Applicant's invention as recited in claim 1, which enables a computer system in a console (30) to read an instruction inputted by a management employee for tripping a latch (14) fastening each of the servers (11) to the rack, send the instruction to the blade server (11) via the network switch (20), and cause the blade server (11) to trip the latch (14) from the rack according to the instruction.

Applicant respectfully asserts that the system for monitoring tampering of server blades are incapable or remotely tripping one of a plurality of blade servers in a rack in accordance with an instruction inputted by a management employee.

The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Further, according to MPEP §2141(I), Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case. The Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.

Moreover, according to MPEP §2141(II), when applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

As Abbondanzio only describes a tamper latch and its function as a tamper detection mechanism but not a latch for fastening a blade server to its rack, Applicant respectfully submits that the examiner's contention that Abbondanzio describes and suggests all of Applicant's claimed steps as recited in amended claims 1-4 is insupportable, and that the above-mentioned tenets A-D have not been adhered to in the determination of obviousness of claims 1-4.

With regard to the examiner contention that it would have been obvious to one skilled in the art at the time the invention was made to realize that ejecting mechanism of an object or turning on a LED indication can be implemented to quickly identify abnormal condition of a particular blade among a cluster of blade servers in a rack, Applicant respectfully reiterates that, given the tamper latch 135 of Abbondanzio is a passive impedance device locating at a back end of a blade server, there appears to be no possible modification to turn tamper latch

135 of Abbondanzio into a latch for fastening a blade server or a modified fastening latch capable of being tripped in an ejected position. Further, "to quickly identify abnormal condition of a particular blade among a cluster of blade" as contended by the examiner as the motivation for modifying Abbondanzio is neither disclosed nor suggested by the use of tamper latch 135.

In view of the arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claim 1. For the same reasons, the rejections of claims 2-4, which depend from claim 1, are respectfully requested to be reconsidered and withdrawn.

3. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-4 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Customer No. 23364
BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: February 27, 2008

Respectfully submitted,



Luan C. Do
Registered Patent Agent for Applicant
Reg. No. 38,434